

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MELVIN JEFFERSON,

Petitioner,

CIVIL CASE NO. 07-14316

v.

C. EICHENLAUB,

HONORABLE PAUL V. GADOLA
U.S. DISTRICT COURT

Respondent.

_____ /

ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS

Before the Court is Petitioner Melvin Jefferson's petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241. Petitioner is a federal inmate incarcerated at the Federal Correctional Institution in Milan, Michigan. In his petition, Petitioner argues that he is entitled to sentence credit for the 180 days that he spent in custody before he was sentenced in federal court on January 3, 2002.

As Respondent compellingly argues in the response to the petition for writ of habeas corpus, Petitioner is not entitled to this sentence credit. The relevant statute on calculating a term of imprisonment states the following:

(b) Credit for prior custody. A defendant shall be given credit toward the service of a term of imprisonment for any time he has spent in official detention prior to the date the sentence commences--

- (1) as a result of the offense for which the sentence was imposed; or
- (2) as a result of any other charge for which the defendant was arrested after the commission of the offense for which the sentence was imposed;

that has not been credited against another sentence.

18 U.S.C. § 3585(b) (emphasis added).

In the current case, Petitioner was in state custody for 180 days before his federal sentence was imposed on January 3, 2002. This 180-day period, however, was already being credited against a State of Wisconsin sentence previously imposed on Petitioner. Since the 180-day period was credited against another sentence, Petitioner is not entitled to a 180-day credit for his later federal sentence.

ACCORDINGLY, IT IS HEREBY ORDERED that the petition for writ habeas corpus [docket entry #1] is **DENIED**.

SO ORDERED.

Dated: July 30, 2008

s/Sean F. Cox for
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on August 4, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Patricia G. Gaedeke, and I
hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Melvin Jefferson.

s/Ruth A. Brissaud
Ruth A. Brissaud, Case Manager
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